

FILED
AUG 30 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LAWRENCE CHRISTOPHER REDDING,)	
)	Civil No. 10-998-PK
Plaintiff,)	
)	
v.)	
)	
UNITED STATES BUREAU OF)	ORDER DENYING MOTION
PRISONS, DR. J. DHALIWA,)	FOR PRELIMINARY INJUNCTION
DR. DAVIS and MR. DE LA)	
HERAS,)	
)	
Defendants.)	

KING, District Judge.

Plaintiff in this civil rights action has filed a Motion for Preliminary Injunction (#4) seeking an Order from this court directing the Bureau of Prisons ("BOP") to: (1) prescribe him 20mg of Oxycodone twice a day until he has back surgery; (2) provide him with back surgery; (3) provide him with post-surgical physical therapy and continued pain management treatment; and (4) prohibit retaliation for raising grievances against the government.

In addition, as set forth in his "Memorandum of Law, Points and Authorities," plaintiff seeks injunctive relief directing the BOP to provide him with 20mg of Oxycodone twice a day following his surgery until he has no pain and prohibiting the BOP from transferring him until he has had surgery, recovered from his operation and successfully completed his therapy and rehabilitation sessions.

Ordinarily, a preliminary injunction maintains the status quo pending a final decision on the merits. University of Texas v. Camenisch, 451 U.S. 390, 395 (1981). Plaintiff is asking the court to alter the status quo by granting him, before trial, the very relief he hopes to obtain through this action. Such a "mandatory injunction," as it is known, is granted only in extraordinary circumstances. See LGS Architects, Inc. V. Concordia Homes of Nevada, 434 F.3d 1150, 1158 (9th Cir. 2006). Plaintiff has not shown that the present case rises to that level and his motion for preliminary injunction is denied.¹

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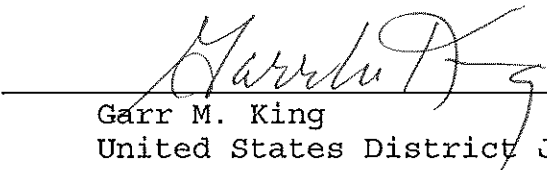
¹ Though plaintiff seeks emergency intervention from the court on the basis defendants are denying pain medication, it appears from the record before the court that defendants have been regularly monitoring his medical status, that they sought to put him on alternative pain medications, and that he has not fully cooperated with these changes because he believes Oxycodone is the drug that provides him with pain relief.

CONCLUSION

Based on the foregoing, plaintiff's Motion for Preliminary Injunctive Relief (#4) is DENIED.

IT IS SO ORDERED.

DATED this 30 day of August, 2010.



Garr M. King
United States District Judge